

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY ADAMS, #N-62445,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 13-872-GPM
)	
VIENNA CORRECTIONAL CENTER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff Anthony Adams filed a complaint pursuant to 28 U.S.C. § 1983 on August 23, 2013 (Doc. 1). On the same date, the Clerk of Court sent Plaintiff a letter (Doc. 2) advising him that he must pay the filing fee of \$400.00 or file a motion for leave to proceed *in forma pauperis* within thirty (30) days (i.e., by September 22, 2013) (Doc. 2). Included with this letter was a form motion to proceed *in forma pauperis*. Plaintiff was clearly warned that failure to pay the full filing fee or to file an IFP motion before September 22, 2013, would result in dismissal of this case (Doc. 2). The letter was mailed to Plaintiff at the address listed on Plaintiff's complaint and on file with the Clerk's Office in this action—c/o Vienna Correctional Center, 6695 State Route #146 East, P.O. Box 100, Vienna, IL 62995. On September 9, 2013, the letter was returned to this Court as undeliverable.

On October 2, 2013, this Court entered a Notice of Impending Dismissal (Doc. 4), which required Plaintiff to provide the Court with a filing fee of \$400.00 or a motion for leave to proceed *in forma pauperis* within seven days (i.e., by October 9, 2013). Plaintiff was also ordered to

provide the Court with his updated address. In no uncertain terms, Plaintiff was warned that failure to comply with this Order would result in dismissal of the action for want of prosecution under Federal Rule of Civil Procedure 41(b). The Notice/Order was mailed to Plaintiff at the Vienna Correctional Center. The Clerk of Court also mailed Documents 2 and 4 to an alternate address that was listed on the envelope enclosing Plaintiff's complaint—2427 West Taylor #1, Chicago, IL 60612.

The date to pay the full filing fee or to file an IFP motion has passed. Plaintiff has failed to take any action. He has also failed to provide the Court and the opposing party with his updated address despite the Court's order to do so.

As a result, this action is **DISMISSED** without prejudice for failure to prosecute the action and for failure to comply with an Order of this Court. FED. R. CIV. P. 41(b). *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall *not* count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, so the filing fee of \$400.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk's Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: October 18, 2013

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge